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February 6, 2023

**VIA ECF****MEMORANDUM ENDORSED**

Hon. Gregory H. Woods  
 U.S. District Court for the Southern District of New York  
 Daniel Patrick Moynihan United States Courthouse  
 500 Pearl Street  
 New York, New York 10007  
 F: (212) 805-7905

**Re: McKenzie-Morris et al. v. V.P. Records Retail Outlet, Inc. et al.**  
**No. 1:22-cv-01138-GHW**

Dear Judge Woods:

The undersigned, newly retained counsel to Plaintiffs Shauna McKenzie-Morris and Freemind Music LLC ("Plaintiffs"), writes to respectfully request a brief adjournment of the upcoming combined Initial Pre-Trial Conference/Pre-Motion Conference in this action, currently scheduled for February 8, 2023 at 4:00 p.m. (ECF No. 82). The adjournment is requested to accommodate a scheduling conflict for the undersigned, specifically a deposition that was scheduled prior to the undersigned appearing in this matter. I have conferred with Defendants' counsel regarding this request and Defendants do not object to this proposed adjournment. As such, we respectfully request an adjournment to February 15, 2023, should that date also be acceptable to the Court.

Separately, the undersigned writes to the Court to respectfully request leave to amend the Second Amended Complaint filed by Plaintiffs on January 13, 2023. I have conferred with Defendants' counsel, and Defendants do not consent to this request. Plaintiffs do not intend to cause undue delay, nor prejudice, and the amendment will simply flesh out factual allegations within the Complaint and allow for a more specific pleading before the Court. As such, should the Court grant Plaintiffs' request, Plaintiffs will file the proposed Third Amended Complaint expeditiously on -or before- **Friday, February 10, 2023.**

Dated: February 6, 2023

Respectfully submitted,

**AIDALA, BERTUNA & KAMINS, P.C.**

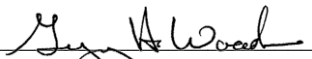
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*CC: All Attorneys of Record via ECF*

Application granted in part. The Court hereby adjourns the initial pretrial and premotion conference previously scheduled for February 8, 2023 to February 15, 2023 at 11:00 a.m. The conference will be held in Courtroom 12C, 500 Pearl Street, New York, NY 10007. However, Plaintiffs' request to file a third amended complaint is denied without prejudice. If Plaintiffs wish to renew their request, they are directed to submit a blackline between the proposed third amended complaint and second amended complaint to the Court in connection with any such request. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 86.

SO ORDERED.

Dated: February 6, 2023  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge